

JOURNAL OF THE SENATE

NINETIETH SESSION

TWENTY-SECOND DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 17, 2015

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. Dan Bader, followed by the Pledge of Allegiance led by Senate page Madeline Tyrell.

Roll Call: All members present except Sens. Greenfield (Brock), Peterson (Jim), and Soholt who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1

COMMUNICATIONS AND PETITIONS

2 Mr. President and Members of the Senate:

3 I have the honor to inform you that on February 12, 2015, I approved Senate Bills 12, 19,
4 20, and 21, and the same have been deposited in the office of the Secretary of State.

5 Respectfully submitted,
6 Dennis Daugaard
7 Governor

8 January 5, 2015

9 The Honorable Matt Michels
10 President of the Senate
11 500 E. Capitol
12 Pierre, SD 57501

13 **RE: Krista Heeren-Graber/SD Interstate Compact for Adult Offender Supervision**

14 Dear Mr. President and Members of the Senate:

15 Pursuant to the provisions of Chapter 24-16A-1 of the South Dakota Codified Laws and
16 subject to your consent, I have the honor to inform you that I have reappointed Krista Heeren-
17 Graber to the South Dakota Interstate Compact for Adult Offender Supervision.

18 Enclosed is a copy of the following:

- 19 1. The Statement of Financial Interest
20 2. Senate Confirmation Information
21 3. Oath
22 4. The December 5, 2014, letter of reappointment

23 This reappointment was effective June 24, 2014, and will expire June 23, 2017.

24 Sincerely,
25 Marty J. Jackley
26 ATTORNEY GENERAL

27 The President announced the referral of the reappointment to the Committee on Judiciary.

1 January 5, 2015

2 The Honorable Matt Michels
3 President of the Senate
4 500 E. Capitol
5 Pierre, SD 57501

6 **RE: Myron L. Rau/ Board of Pardons and Paroles Attorney General Appointment**

7 Dear Mr. President and Members of the Senate:

8 Pursuant to the provisions of Chapter 24-13 of the South Dakota Codified Laws and
9 subject to your consent, I have the honor to inform you that I have appointed Myron L. Rau to
10 the South Dakota Board of Pardons and Paroles.

11 Enclosed is a copy of the following:

- 12 1. The Statement of Financial Interest
- 13 2. Senate Confirmation Information
- 14 3. Oath
- 15 4. The November 25, 2014, letter of appointment

16 This appointment is to fill the unexpired term of Keith Bonenberger who has resigned. This
17 term will expire January 16, 2017.

18 Sincerely,
19 Marty J. Jackley
20 ATTORNEY GENERAL

21 The President announced the referral of the appointment to the Committee on Judiciary

22 February 4, 2015

23 The Honorable Matt Michels
24 President of the Senate
25 State Capitol
26 Pierre, SD 57501

27 Dear Mr. President and Members of the Senate:

28 Pursuant to the provisions of Chapter 1-44 of the South Dakota Codified Laws and subject
29 to your consent, I have the honor to inform you that I have appointed Jeffery D. Burket,
30 Lawrence County, Spearfish, South Dakota, to the South Dakota Railroad Board.

1 This appointment was effective July 1, 2014, and shall continue until October 30, 2017

2 Sincerely,
3 Dennis Daugaard
4 Governor

5 The President announced the referral of the appointment to the Committee on
6 Transportation

7 **REPORTS OF STANDING COMMITTEES**

8 MR. PRESIDENT:

9 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
10 and Enrolling has carefully compared SB 18 and finds the same correctly enrolled.

11 Also MR. PRESIDENT:

12 The Committee on Legislative Procedure respectfully reports that SB 14, 15, 34, 46, and
13 61 were delivered to his Excellency, the Governor, for his approval at 9:50 a.m., February 17,
14 2015.

15 Respectfully submitted,
16 Corey Brown, Chair

17 Also MR. PRESIDENT:

18 The Committee on Judiciary respectfully reports that it has had under consideration HB
19 1076, 1099, and 1119 and returns the same with the recommendation that said bills do pass and
20 be placed on the consent calendar.

21 Also MR. PRESIDENT:

22 The Committee on Judiciary respectfully reports that it has had under consideration SB 186
23 and returns the same with the recommendation that said bill be amended as follows:

24 186sa

25 On the printed bill, delete everything after the enacting clause and insert:

26 "Section 1. That § 23-24-16 be amended to read as follows:

186sta

And that as so amended said bill do pass.

Also MR. PRESIDENT:

Also MR. PRESIDENT:

Also MR. PRESIDENT:

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 131 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration SB 2 and returns the same with the recommendation that said bill be
4 amended as follows:

5 2oc

6 On page 3 of the printed bill, delete lines 10 to 23, inclusive, and insert:

7 "Advisory Task Force. The task force consists of the following eight members:

8 (1) The speaker of the House of Representatives shall appoint two members of the House
9 of Representatives, one from each political party;

10 (2) The president pro tempore of the Senate shall appoint two members of the Senate,
11 one from each political party;

12 (3) The speaker of the House of Representatives shall appoint two members of the
13 general public, one member to be an agricultural producer and one member to
14 represent conservation districts; and

15 (4) The president pro tempore of the Senate shall appoint two members of the general
16 public, one member to be an agricultural producer and one member to represent
17 county government.

18 The task force shall select a chair and vice chair from its members."

19 On page 4, line 10, after "feasible." insert "Municipalities of the first class may not be
20 included in a district."

21 On page 4, between lines 12 and 13 of the printed bill, insert:

22 "The task force shall work with the local governments in the Vermillion River Basin Natural
23 Resource District to establish a pilot water management plan for the district that could be used
24 as a guide for a water management plan in each of the remaining river basin natural resource
25 districts."

26 On page 4, line 15, after "census" insert "and not including the population of any
27 municipality of the first class".

28 On page 5, delete lines 2 to 8, inclusive, and insert "determined by the task force based on
29 the population and the geography of the district."

30 On page 5, line 9, delete "next" and insert "2018".

1 On page 5, line 10, delete "following the effective date of this Act".

2 On page 5, delete lines 15 to 24, inclusive, and insert:

3 "Section 18. Five percent of the electors of a district may petition the district council to
4 submit to an election the question of whether the district should become dormant. The election
5 shall be conducted, canvassed, recounted, and contested as elections under the general laws of
6 this state. No district may become dormant unless sixty percent or more of the votes cast are in
7 favor of the district becoming dormant.".

8 Delete pages 6 to 12, inclusive

9 2ota

10 On page 1, line 2, of the printed bill, delete everything after "districts" and insert ".".

11 And that as so amended said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on Agriculture and Natural Resources respectfully reports that it has had
14 under consideration SB 3 and returns the same with the recommendation that said bill be
15 amended as follows:

16 3fa

17 On page 1, line 9, of the printed bill, delete "prompt and".

18 On page 1, delete line 10, and insert "mediation of drainage disputes. The parties to the
19 mediation created under this Act shall be limited to the person or parties that own or administer
20 real property impacted by the planned drainage or drainage dispute.".

21 On page 1, line 12, delete everything after "employ".

22 On page 1, line 13, delete everything before "agents" .

23 On page 1, line 14, delete "The director shall serve at the pleasure of the secretary of
24 agriculture.".

25 On page 2, line 3, after "payments," insert "department notice requirements,".

26 On page 2, line 5, delete "drainage" and insert "farm".

27 On page 2, delete line 8, and insert "in the farm mediation operating fund. All money in
28 the farm".

1 On page 2, line 9, delete "created by this section".

2 On page 2, line 10, delete everything after "." .

3 On page 2, delete lines 11 and 12, and insert "Any disbursements from the farm mediation
4 operating fund".

5 On page 2, delete lines 17 to 22, inclusive, and insert "Section 5. The requesting party shall
6 promptly provide to the Department of Agriculture, upon the agreement of at least two parties
7 to enter into the mediation program created under this Act, a list of other parties to the drainage
8 dispute and any property owner and any county, municipality, township, or any agency of state
9 or federal government reasonably determined by the requesting party to be affected by the
10 drainage activity. The Department of Agriculture shall send a mediation meeting notice to the
11 identified parties, setting a time and place for an initial mediation meeting between the parties
12 to the dispute and a mediator. This notice shall be in conjunction with a public notice of the
13 mediation by the Department of Agriculture that shall be published once each week for two
14 consecutive weeks in one of the official newspapers designated by the county or counties where
15 the real property involved in the drainage dispute is located. The last publication shall be
16 published before the initial mediation meeting. The unintentional failure to notify any party who
17 may".

18 On page 3, line 6, delete "director".

19 On page 3, line 7, delete "of the drainage" and insert "Department of Agriculture".

20 On page 3, line 19, after "interests" delete "or".

21 On page 3, line 20, delete "the drainage".

22 And that as so amended said bill do pass.

23 Respectfully submitted,
24 Gary Cammack, Chair

25 MOTIONS AND RESOLUTIONS

26 SCR 5: A CONCURRENT RESOLUTION, Supporting a stronger South Dakota-China
27 relationship.

28 Was read the second time.

29 Sen. Lederman moved that SCR 5 as found on page 368 of the Senate Journal be adopted.

30 The question being on Sen. Lederman's motion that SCR 5 be adopted.

1 And the roll being called:

2 Yeas 28, Nays 4, Excused 3, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
5 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Lederman; Monroe; Novstrup (David);
6 Omdahl; Parsley; Peters; Rampelberg; Rave; Rusch; Solano; Sutton; Tidemann; Tieszen; Vehle;
7 White

8 Nays:

9 Jensen (Phil); Olson; Otten (Ernie); Van Gerpen

10 Excused:

11 Greenfield (Brock); Peterson (Jim); Soholt

12 So the motion having received an affirmative vote of a majority of the members-elect, the
13 President declared the motion carried and SCR 5 was adopted.

14 Sen. Rave moved that HJR 1001 and HB 1069 be placed to precede SB128 on today's
15 calendar.

16 Which motion prevailed.

17 Sen. Rave moved that SB 192, 159, 91, and 92 be placed to follow 136 on today's calendar.

18 Which motion prevailed.

19 Sen. Rave moved that when we adjourn today, we adjourn to convene at 2:30 p.m. on
20 Wednesday, February 18, the 23rd legislative day.

21 Which motion prevailed.

22 **CONSIDERATION OF REPORT OF JOINT-SELECT COMMITTEE**

23 Sen. Rave moved that the report of the Joint Select Committee relative to making
24 arrangements for a joint session to hear the message of the Canadian Consul General be
25 adopted.

26 Which motion prevailed.

1 **CONSIDERATION OF REPORTS OF COMMITTEES**

2 Sen. Rave moved that the reports of the Standing Committees on
3 Appropriations on SB 109 as found on page 389 of the Senate Journal; also
4 Appropriations on SB 152 as found on page 389 of the Senate Journal; also
5 Appropriations on SB 174 as found on page 389 of the Senate Journal; also
6 Judiciary on SB 95 as found on page 388 of the Senate Journal be adopted.
7 Which motion prevailed.

8 The President declared that SB 130 was withdrawn at the request of the prime sponsor
9 pursuant to Joint Rule 6B-1.1.

10 **CONSIDERATION OF CONSENT EXECUTIVE APPOINTMENT**

11 The Senate proceeded to the consideration of the executive reappointment of Roger P.
12 Novotny of Stanley County, Ft. Pierre, South Dakota, to the S.D. Lottery Commission.

13 The question being "Does the Senate advise and consent to the executive reappointment
14 of Roger P. Novotny pursuant to the executive message as found on page 312 of the Senate
15 Journal?"

16 And the roll being called:

17 Yeas 32, Nays 0, Excused 3, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
20 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
21 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rempelberg; Rave; Rusch;
22 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

23 Excused:

24 Greenfield (Brock); Peterson (Jim); Soholt

25 So the question having received an affirmative vote of a majority of the members-elect, the
26 President declared the reappointment confirmed.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 SB 182: FOR AN ACT ENTITLED, An Act to revise the rate of interest for late payment
3 of certain taxes.

4 Was read the second time.

5 The question being "Shall SB 182 pass as amended?"

6 And the roll being called:

7 Yeas 32, Nays 0, Excused 3, Absent 0

8 Yeas:

9 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
10 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
11 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
12 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

13 Excused:

14 Greenfield (Brock); Peterson (Jim); Soholt

15 So the bill having received an affirmative vote of a majority of the members-elect, the
16 President declared the bill passed and the title was agreed to.

17 HB 1044: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
18 educational personnel certification and discipline.

19 Was read the second time.

20 The question being "Shall HB 1044 pass?"

21 And the roll being called:

22 Yeas 32, Nays 0, Excused 3, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
25 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
26 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
27 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

28 Excused:

29 Greenfield (Brock); Peterson (Jim); Soholt

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1068: FOR AN ACT ENTITLED, An Act to revise when a court can grant a cross
4 credit on child support.

5 Was read the second time.

6 The question being "Shall HB 1068 pass as amended?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
12 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
13 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peterson (Jim); Soholt

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1037: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
19 regulation of public utilities.

20 Was read the second time.

21 The question being "Shall HB 1037 pass?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
26 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
27 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
28 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Greenfield (Brock); Peterson (Jim); Soholt

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1038: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
4 siting of energy facilities.

5 Was read the second time.

6 The question being "Shall HB 1038 pass?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
12 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
13 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peterson (Jim); Soholt

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1052: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
19 regulation of insurance holding companies.

20 Was read the second time.

21 The question being "Shall HB 1052 pass as amended?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
26 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
27 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
28 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Greenfield (Brock); Peterson (Jim); Soholt

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1084: FOR AN ACT ENTITLED, An Act to expand collateral eligible to be pledged
4 as security for public deposits.

5 Was read the second time.

6 The question being "Shall HB 1084 pass as amended?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
12 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
13 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peterson (Jim); Soholt

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1088: FOR AN ACT ENTITLED, An Act to permit procurement of certain disability
19 insurance from a non-admitted insurer.

20 Was read the second time.

21 The question being "Shall HB 1088 pass?"

22 And the roll being called:

23 Yeas 32, Nays 0, Excused 3, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
26 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
27 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
28 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

29 Excused:

30 Greenfield (Brock); Peterson (Jim); Soholt

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1111: FOR AN ACT ENTITLED, An Act to increase the costs and expenses
4 considered reasonable for the collection of certain dishonored checks.

5 Was read the second time.

6 The question being "Shall HB 1111 pass?"

7 And the roll being called:

8 Yeas 32, Nays 0, Excused 3, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
11 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
12 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
13 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peterson (Jim); Soholt

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1132: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
19 titling of motor vehicles, boats, mobile homes, and manufactured homes and the issuance of
20 temporary permits by licensed dealers.

21 Was read the second time.

22 The question being "Shall HB 1132 pass?"

23 And the roll being called:

24 Yeas 32, Nays 0, Excused 3, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
27 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
28 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
29 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

30 Excused:

31 Greenfield (Brock); Peterson (Jim); Soholt

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

4 HJR 1001: A JOINT RESOLUTION, Making formal application to Congress to call an
5 Article V convention of the states for the sole purpose of proposing a federal balanced budget
6 amendment.

7 Having had its second reading was up for reconsideration and final passage.

8 The question being "Shall HJR 1001 pass?"

9 And the roll being called:

10 Yeas 19, Nays 13, Excused 3, Absent 0

11 Yeas:

12 Brown; Cammack; Curd; Haggar (Jenna); Heineman (Phyllis); Holien; Jensen (Phil); Lederman;
13 Monroe; Novstrup (David); Omdahl; Otten (Ernie); Rempelberg; Rusch; Solano; Tieszen; Van
14 Gerpen; Vehle; White

15 Nays:

16 Bradford; Buhl O'Donnell; Ewing; Frerichs; Haverly; Heinert; Hunhoff (Bernie); Olson;
17 Parsley; Peters; Rave; Sutton; Tidemann

18 Excused:

19 Greenfield (Brock); Peterson (Jim); Soholt

20 So the resolution having received an affirmative vote of a majority of the members-elect,
21 the President declared the resolution passed and the title was agreed to.

22 HB 1069: FOR AN ACT ENTITLED, An Act to limit the authority of delegates to a
23 limited Article V convention to vote for unauthorized amendments contrary to legislative
24 instructions and to provide a civil fine for the violation thereof.

25 Was read the second time.

26 The question being "Shall HB 1069 pass as amended?"

27 And the roll being called:

28 Yeas 21, Nays 11, Excused 3, Absent 0

1 Yeas:

2 Brown; Cammack; Curd; Haggar (Jenna); Haverly; Heineman (Phyllis); Holien; Jensen (Phil);
3 Lederman; Monroe; Novstrup (David); Omdahl; Otten (Ernie); Rampelberg; Rave; Rusch;
4 Solano; Tieszen; Van Gerpen; Vehle; White

5 Nays:

6 Bradford; Buhl O'Donnell; Ewing; Frerichs; Heinert; Hunhoff (Bernie); Olson; Parsley; Peters;
7 Sutton; Tidemann

8 Excused:

9 Greenfield (Brock); Peterson (Jim); Soholt

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
14 general requirements that vehicle owners must satisfy before applying for military plates.

15 Was read the second time.

16 The question being "Shall SB 128 pass as amended?"

17 And the roll being called:

18 Yeas 32, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
21 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
22 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
23 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

24 Excused:

25 Greenfield (Brock); Peterson (Jim); Soholt

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 90: FOR AN ACT ENTITLED, An Act to require school districts to provide veterans
29 a preference in employment.

30 Was read the second time.

1 The question being "Shall SB 90 pass?"

2 And the roll being called:

3 Yeas 32, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
6 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
7 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
8 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

9 Excused:

10 Greenfield (Brock); Peterson (Jim); Soholt

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 SB 124: FOR AN ACT ENTITLED, An Act to revise the requirements for a petition for
14 a minor boundary change.

15 Was read the second time.

16 The question being "Shall SB 124 pass?"

17 And the roll being called:

18 Yeas 32, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
21 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
22 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
23 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

24 Excused:

25 Greenfield (Brock); Peterson (Jim); Soholt

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 170: FOR AN ACT ENTITLED, An Act to increase legislator salary.

29 Was read the second time.

30 The question being "Shall SB 170 pass?"

1 And the roll being called:

2 Yeas 21, Nays 11, Excused 3, Absent 0

3 Yeas:

4 Buhl O'Donnell; Cammack; Curd; Frerichs; Haggar (Jenna); Haverly; Heineman (Phyllis);
5 Holien; Jensen (Phil); Lederman; Novstrup (David); Omdahl; Otten (Ernie); Peters;
6 Rampelberg; Rave; Rusch; Tidemann; Tieszen; Vehle; White

7 Nays:

8 Bradford; Brown; Ewing; Heinert; Hunhoff (Bernie); Monroe; Olson; Parsley; Solano; Sutton;
9 Van Gerpen

10 Excused:

11 Greenfield (Brock); Peterson (Jim); Soholt

12 So the bill not having received an affirmative vote of a two-thirds majority of the
13 members-elect, the President declared the bill lost.

14 SB 173: FOR AN ACT ENTITLED, An Act to make appropriations from the water and
15 environment fund, the water pollution control revolving fund subfund, and the drinking water
16 revolving fund subfund for various water and environmental purposes, to revise the state water
17 plan, to increase the authority of the South Dakota Board of Water and Natural Resources to
18 make consolidated water facilities construction program awards, and to declare an emergency.

19 Was read the second time.

20 The question being "Shall SB 173 pass?"

21 And the roll being called:

22 Yeas 32, Nays 0, Excused 3, Absent 0

23 Yeas:

24 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
25 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
26 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
27 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

28 Excused:

29 Greenfield (Brock); Peterson (Jim); Soholt

30 So the bill having received an affirmative vote of a two-thirds majority of the members-
31 elect, the President declared the bill passed and the title was agreed to.

1 SB 178: FOR AN ACT ENTITLED, An Act to revise certain programs and authorize
2 certain projects in the Unified Judicial System and to make an appropriation therefor.

3 Was read the second time.

4 The question being "Shall SB 178 pass?"

5 And the roll being called:

6 Yeas 32, Nays 0, Excused 3, Absent 0

7 Yeas:

8 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
9 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
10 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch;
11 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

12 Excused:

13 Greenfield (Brock); Peterson (Jim); Soholt

14 So the bill having received an affirmative vote of a two-thirds majority of the members-
15 elect, the President declared the bill passed and the title was agreed to.

16 SB 179: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to record
17 search fees in the Unified Judicial System.

18 Was read the second time.

19 The question being "Shall SB 179 pass?"

20 And the roll being called:

21 Yeas 31, Nays 0, Excused 4, Absent 0

22 Yeas:

23 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Haggar (Jenna); Haverly;
24 Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe;
25 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rave; Rusch; Solano; Sutton;
26 Tidemann; Tieszen; Van Gerpen; Vehle; White

27 Excused:

28 Greenfield (Brock); Peterson (Jim); Rampelberg; Soholt

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 SB 183: FOR AN ACT ENTITLED, An Act to revise the voting requirements regarding
2 the issuance of bonds by public bodies and capital outlay certificates by school districts.

3 Was read the second time.

4 The question being "Shall SB 183 pass?"

5 And the roll being called:

6 Yeas 10, Nays 22, Excused 3, Absent 0

7 Yeas:

8 Bradford; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Rampelberg; Rusch;
9 Sutton; Tieszen

10 Nays:

11 Brown; Cammack; Curd; Ewing; Haggar (Jenna); Haverly; Heineman (Phyllis); Holien; Jensen
12 (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Peters; Rave;
13 Solano; Tidemann; Van Gerpen; Vehle; White

14 Excused:

15 Greenfield (Brock); Peterson (Jim); Soholt

16 So the bill not having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill lost.

18 SB 136: FOR AN ACT ENTITLED, An Act to exclude certain municipal taxes from the
19 gross receipts used to determine the tax liability for customers served by electric cooperatives.

20 Was read the second time.

21 136fa

22 Sen. Brown moved that SB 136 be amended as follows:

23 On the Senate Taxation Committee engrossed bill, delete everything after the enacting
24 clause and insert:

25 "Section 1. That § 49-34A-45 be amended to read as follows:

26 49-34A-45. A rural electric cooperative serving less than a majority of customers in a
27 municipality which does not have a municipally owned system, may, at the option of the
28 municipality, pay in addition to other taxes provided by law, an amount to be agreed upon, not
29 to exceed two percent of the total gross revenue collected by the rural electric cooperative for
30 that year, by the electric supplier and the governing body of the municipality. If the parties have
31 not agreed on the amount on or before May first following the calendar year from which the
32 amount is to be paid, the amount to be paid shall be two percent of the total gross revenue

collected by the rural electric cooperative from the sale of power distributed to structures and electric service outlets situated within the municipality. The tax imposed by a municipality pursuant to this section may, but is not required to be, passed on to the purchaser. Any revenue received by the rural electric cooperative from the tax imposed by a municipality pursuant to this section that is separately stated on the invoice, bill of sale, or similar document is not considered gross receipts as defined in chapter 10-45, 10-46, or 10-52.

Section 2. That § 49-34A-46 be amended to read as follows:

49-34A-46. Any electric utility with facilities within the boundaries of a municipality, as they exist from time to time, which has a municipally owned electric system serving over fifty percent of the customers in the municipality, may, at the option of the municipality, pay to the municipality an amount to be agreed upon by the electric supplier and the governing body of the municipality. If the parties have not agreed on the amount on or before May first following the calendar year from which the amount is to be paid, the amount to be paid shall be four percent of the total gross revenue collected by the electric supplier from the sale of power delivered to structures and electric service outlets situated within the municipality during the year for which the amount is paid. The tax imposed by a municipality pursuant to this section may, but is not required to be, passed on to the purchaser. Any revenue received by the rural electric utility from the tax imposed by a municipality pursuant to this section that is separately stated on the invoice, bill of sale, or similar document is not considered gross receipts as defined in chapter 10-45, 10-46, or 10-52.

Section 3. That § 10-45-1.19 be amended to read as follows:

10-45-1.19. Notwithstanding any other provision of law, gross receipts as defined in this chapter do not include any tax imposed by this chapter and chapters 10-45D, 10-52, and 10-52A, and §§ 49-34A-45 and 49-34A-46 that is separately stated on the invoice, bill of sale, or similar document given to the purchaser."

Which motion prevailed.

The question being "Shall SB 136 pass as amended?"

And the roll being called:

Yeas 32, Nays 0, Excused 3, Absent 0

Yeas:

Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Frerichs; Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil); Lederman; Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Rampelberg; Rave; Rusch; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

Excused:

Greenfield (Brock); Peterson (Jim); Soholt

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

Sen. Rave moved that SB 192, 159, 91, and 92 and HB 1130, 1085, 1055, 1058, 1059, 1063, 1043, 1057, 1051, and 1013 be placed on the calendar of Wednesday, February 18, the 23rd legislative day.

Which motion prevailed and SB 192, 159, 91, and 92 and HB 1130, 1085, 1055, 1058, 1059, 1063, 1043, 1057, 1051, and 1013 were so placed.

SIGNING OF BILLS

The President publicly read the title to

SB 18: FOR AN ACT ENTITLED, An Act to establish certain administrative provisions regarding charitable raffles, lotteries, and bingo and to make violations of these provisions subject to the Deceptive Trade Practice and Consumer Protection Act.

HB 1006: FOR AN ACT ENTITLED, An Act to allow bullheads to be used as bait.

HB 1033: FOR AN ACT ENTITLED, An Act to repeal the South Dakota Energy Infrastructure Authority.

HB 1034: FOR AN ACT ENTITLED, An Act to repeal certain outdated and unnecessary statutes related to the Wind Energy Competitive Advisory Task Force.

HB 1039: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the regulation of grain buyers and grain warehouses.

HB 1040: FOR AN ACT ENTITLED, An Act to revise the statute of frauds within the uniform commercial code with respect to the sale of pulse crops.

HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Department of Agriculture.

And signed the same in the presence of the Senate.

Sen. Otten (Ernie) moved that the Senate do now adjourn, which motion prevailed and at 4:01 p.m. the Senate adjourned.

Kay Johnson, Secretary

